IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 3127 **/2003**

PETITIONER

Seetaram Salam, ← Age 45 yrs. son of Shri Gagru Salam Gond, President of Tribal **"Swayam Sahayata Samooh Samiti"** resident of gram Panchayat Garanji, Block Development Narayanpur, Tah. Narayanpur, District Bastar (Chhattisgarh).

P. R. No. 2939/03
Presented by Shri A. N. Bajpai
dated 26.09.03

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : The Secretary, Department of Fisheries, Dau Kalyan Singh Bhawan, Mantralay, Raipur (Chhattisgarh).

2. The Collector, District Bastar (Chhattisgarh).

3. Assistant Director, Department of Fishery, Jagdalpur, Bastar (Chhattisgarh)

4. The Sub Divisional Officer (Revenue), Narayanpur, District – Bastar (Chhattisgarh).

5. The Chief Executive Officer, Janpad Panchayat – Narayanpur, District-Bastar (Chhattisgarh)

6. Secretary, Gram Panchayat Garanji, Tah. Narayanpur, District – Bastar (Chhattisgarh).

7. Nishad Machhuwa Sahkari Samiti, through : its president Sevak Ram, aged about 45 years son of Not known, resident of Narayanpur District – Bastar (Chhattisgarh).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS/CERTIORARI, ORDER/ORDERS, DIRECTION / DIRECTIONS PROHIBITION ETC.

XI-HC-22

(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.NO. 3127/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15/11/2003 Shri A.N. Bhakta, learned counsel for the petitioner. Shri Ranbir Singh, GA takes notice on behalf of the respondents no. 1 to 4. Heard. The case of the petitioner is that the petitioner is the President of Swayam Sahayata Samooh Samity, Garanji, Block Development Narayanpur, District Bastar having registration No.17. He has further mentioned that there is one public tank in the village Garanji namely Nakta Talab having Khasra No.26 and the area 4.45 acres. The lease of fishing in the tank was granted by the Gram Panchayat Garanji to the petitioner's society for ten years on 01/02/2001 based on a resolution (Annexure P/2). Petitioner's Samiti has deposited an amount of Rs.2,100/- on 01/02/2001. Copy of receipt is annexed as Annexure P/3. Thereafter, the petitioner's society breeds 20000 fish seeds for breeding in the public tank. As per the provisions of Section 249 of the Chhattsgarh Land Revenue Code, if a tank having an area below 5.00 hectares, the Gram Panchayat concerned can lease-out for fishing upto ten years and guidelines in this connection are also issued by the State Government. The petitioner's society belongs to Tribal members and	

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

that is why lease for fishing was granted in favour of the petitioner's society. However, on 19/07/2001 without convening any meeting of Gram Panchayat, a fake and forged resolution for grant of lease was prepared in favour of respondent no.7 and the respondent no.8 made certain false entries/signatures, manipulated the Gram Panchayat Resolution register in favour of the respondent no.7. The petitioner's society made a complaint to Collector and on the directions of Collector, an enquiry was conducted by Naib Tahsildar and the Naib Tahsildar submitted his report to the Sub Divisional Officer that the papers regarding the Gram Panchayat meeting held on 19/07/2001 appear to be false and the Sub Divisional Officer forwarded the report (Annexure P/11) to the Collector for its kind consideration and necessary action on 23/05/2002, but the Collector has not passed any final order in the mater.

Learned counsel for the petitioner submitted that the Collector be directed to decide the mater finally and the petitioner may be allowed to make a representation in this connection to the Collector to which the learned Government Advocate has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation raising all his grievance to

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	the Collector, Dist. Bastar, Jagdalpur within a period of 15 days and from the date of receipt of the said representation of the petitioner, the Collector will decide the representation of the petitioner considering all his grievance in an objective manner and with a reasoned order within a period of two months. Till then the petitioner's fishing rights from public tank should not be disturbed. With the aforesaid observations and directions, the writ petition is disposed of. Consequently, M.W.P.No.2854/2003 and I.A.No.9229/2003 stand disposed of. Certified copy as per rules. Sd/- L.C.BHADOO Judge	

[पीछे देखिये